Filed by: Trial Section Merits Panel Mail Stop Interference

P. O. Box 1450 Alexandria, VA 22313-1450

Tel: 703-308-9797 Fax: 703-305-0942

## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

JENNIFER L. HILLMAN,
JANICE AU-YOUNG, ROGER COLEMAN,
and SURYA K. GOLI
Junior Party,
(Patent 5,861,495),

**FAXED** 

\*JUN 1 0 2004

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

V.

PEGGY L. **BEER-ROMERO**, GIULIO DRAETTA, and MARK ROLFE Senior Party,

(Application 08/484,878).

Patent Interference No. 105,124

Before: LANE, TIERNEY, and POTEATE, Administrative Patent Judges.

LANE, Administrative Patent Judge.

## **JUDGMENT-RULE 662**

In a paper entitled "REQUEST FOR ENTRY OF ADVERSE JUDGMENT", Hillman requests that we enter judgment in favor of senior party Beer-Romero (Paper 15). Based on Hillman's request, it is appropriate to enter adverse judgment against Hillman. 37 CFR

§ 1.662(a).

Upon consideration of the record and for reasons given, it is

ORDERED that judgment on priority is entered against junior party JENNIFER

L. HILLMAN, JANICE AU-YOUNG, ROGER COLEMAN, and SURYA K. GOLI;

FURTHER ORDERED that junior party JENNIFER L. HILLMAN, JANICE AU-YOUNG, ROGER COLEMAN, and SURYA K. GOLI is not entitled to a patent containing claims 1, 2, and 4-8 of patent 5,861,495, which claims correspond to count 1, the sole count of the interference; and

FURTHER ORDERED that a copy of this judgment be entered into the administrative records of Hillman's 5,861,495 patent and Beer-Romero's 08/484,878 application.

SALLY GARDNER LANE

Administrative Patent Judge

MICHAEL P. TIERNEY

Administrative Patent Judge

LINDA R. POTEÁTE

Administrative Patent Judge

BOARD OF PATENT

APPEALS AND

INTERFERENCES

cc (via facsimile and first class mail):

Attorney for Hillman (real party in interest: Incyte Pharmaceuticals, Inc.)

Diana Hamlet-Cox, Esq. INCYTE CORPORATION 3160 Porter Drive Palo Alto, CA 94304

Fax: 650-845-4166

Attorney for Beer-Romero (real party in interest: Mitotix, Inc.)

Matthew P. Vincent, Ph.D, Esq. ROPES & GRAY LLP One International Place Boston, MA 02110-2624

Fax: 617-951-7050